

Alaska Commission on Judicial Conduct

Meeting of January 6, 2023

Public Session:

9:30 a.m. - 10:30 a.m.

Anchorage/Zoom

AGENDA
COMMISSION ON JUDICIAL CONDUCT
January 6, 2023
Public Session
Anchorage/Zoom

TAB

9:30-9:40	Determine Quorum/ Review Agenda/ Approve Prior Public Meeting Minutes	A
9:40-10:00	Director's Report <ul style="list-style-type: none">• FY23 status/FY24 submission• Commission Member status• Status of complaint processing/advisory opinions• Professional activities including State Judicial Conference/ Travel Request (AJDC and ABA meetings)	B
10:00-10:10	New Business	
10:10-10:30	Public Comments/Set Next Meeting Date	

Meeting of January 6, 2023

PUBLIC SESSION

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Public Session

Section I

Tab A

Public Session Minutes

DRAFT

COMMISSION ON JUDICIAL CONDUCT

September 9, 2022

Anchorage & Zoom

Public Session

Chair Roetman called the public session to order at 9:30 a.m. Present were judge members Marston and Mead, attorney members McClintock and Mores, and public members Fletcher, Kilbourn and Sheldon (via Zoom). Attorney member Taylor-Welch was unavailable. Also present was the Commission's Executive Director, Marla Greenstein and Administrative Assistant Aleta Bartimmo.

There were no changes to the agenda. The Commission reviewed the prior public session meeting minutes. Commissioner McClintock moved approval of the April 29th public meeting minutes. Commissioner Kilbourn seconded the motion and it passed unanimously.

Executive Director Greenstein presented the director's report. Ms. Greenstein reported on the current FY 23 budget and the automatic changes that will affect the FY 24 proposed budget. The FY 23 budget will have an additional appropriation for salary increases approved by the legislature separate from the budget process. The Commission concurred that the staff should prepare a status budget for FY 24. In addition, Ms. Greenstein reported that she was able to negotiate a reduction in rent for the Commission's office lease. The new lease is a 3-year lease.

The next vacancies on the Commission will be Commissioner Fletcher's next March. Judge Mead for the remaining one-year of Commissioner Carey's term and will be up for election again in February. And with Judge Marston's planned retirement, that vacancy will also occur in February.

Complaint processing is current, with only one complaint currently needing investigation after this meeting. Ms. Greenstein also reported on the informal advisory opinions she gave since the last meeting. There were a total of 65 since the April meeting, 48 of which were given to judges, 3 to magistrates, 2 to fully retired judges, 5 to pro tem judges, 1 to a lawyer, 1 to a law clerk, and 3 to court administrators, and 2 to judicial applicants. The issues generally surrounded disqualification and disclosure issues, pay affidavit questions, political donations by family members, charitable contributions, and writing reference letters.

Ms. Greenstein also reported on her professional activities. The Code Revision Committee has been meeting and will likely meet for several months before a final draft will be available for comment. She continues to conduct individual new judge ethics orientations. In her national work with the American Bar Association, she continues to work as vice-chair of the ABA Judicial Conduct and Professionalism and is working on a committee attempting to draft a Code of Conduct for law clerks. In addition, she participated on a panel at the ABA annual meeting on ethical issues in remote proceedings and that program will be repeated as a webinar in early November.

She is developing a program for the October state judicial conference on “Judicial Stress and Temperament” that will include Human Resources information on stresses for court employees. Ms. Greenstein also reported on a Zoom workshop for Alaska judges that she helped develop that assisted judges on properly creating a web presence.

Commissioners Mead and Roetman gave an update on the status of putting judges under-advisement lists somewhere on the court system’s website to allow attorneys to more easily determine whether matters were missing on those lists.

While there had been no request for any public presentation, the meeting concluded with a presentation by a member of the public. The Commission set a next meeting date of January 6, 2023 in person in Anchorage. Public Session adjourned at 10:25 a.m.

Tab B

Director's Report

FY23 Budget: Current Status



Summary - Appropriation FY23 - Judicial Conduct

Report Date	12/27/2022
Budget Fiscal Years	2023
Fiscal Year	2023
AR Group Codes	C43A
AR Type Codes	C800

C43A - Jud Conduct

C800 - Jud Conduct

Object Type Name (Ex)	Expend Current Budget	Budgetary Expenditures Current Month	Encumbrances	Budgetary Expenditures	Unobligated Expenditure Budget
1000 - Personal Services	397,900.00	30,151.94	0.00	159,377.87	238,522.13
2000 - Travel	14,500.00	0.00	0.00	5,730.08	8,769.92
3000 - Services	87,500.00	6,795.72	0.00	28,728.68	58,771.32
4000 - Commodities	7,000.00	262.85	0.00	2,093.21	4,906.79
5000 - Capital Outlay	5,000.00	0.00	0.00	0.00	5,000.00
Total	511,900.00	37,210.51	0.00	195,929.84	315,970.16

Cumulative Totals FY 2023 (Expense Report)

Object Code	Description	July	August	Sept	Oct	Nov	Dec	Jan	Feb
	Travel	\$ 2,281.37	\$ 2,331.60	\$ -	\$ 1,176.46	\$ -	\$ -	\$ -	\$ -
2000-2004	Employee Instate	\$ -	\$ 1,173.59	\$ -	\$ 1,094.96	\$ -	\$ -	\$ -	\$ -
2005-2011	Non Employee Instate	\$ -	\$ 334.70	\$ -	\$ 81.50	\$ -	\$ -	\$ -	\$ -
2012-2016	Emp. Out of State	\$ 2,281.37	\$ 823.31	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2017-2022	Non Emp. Out of State	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Services	\$ 5,264.08	\$ 685.53	\$ 7,834.34	\$ 824.03	\$ 7,361.95	\$ 4,651.85	\$ -	\$ -
3000	Training/Conferences	\$ -	\$ -	\$ 250.00	\$ -	\$ -	\$ -	\$ -	\$ -
3032	Software Licenses	\$ -	\$ 239.76	\$ 114.00	\$ -	\$ 59.99	\$ -	\$ -	\$ -
3035-3037	Phone & Internet	\$ 354.38	\$ 352.86	\$ 354.40	\$ 351.36	\$ 352.60	\$ -	\$ -	\$ -
3045	Postage & Shipping	\$ 17.99	\$ 17.99	\$ 17.99	\$ 417.99	\$ 17.99	\$ -	\$ -	\$ -
3046	Advertising	\$ -	\$ -	\$ 157.00	\$ -	\$ -	\$ -	\$ -	\$ -
3047	Promotions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
3057	Office, Storage, Parking	\$ 4,790.32	\$ 54.68	\$ 6,921.14	\$ 54.68	\$ 6,924.38	\$ 4,651.85	\$ -	\$ -
3063	Professional Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
3066	Printing & Binding	\$ 101.39	\$ 20.24	\$ 19.81		\$ 6.99	\$ -	\$ -	\$ -
	Commodities	\$ 442.23	\$ 729.31	\$ 559.24	\$ 108.57	\$ 359.24	\$ 262.85	\$ -	\$ -
4000	Rules & Law Books	\$ -	\$ -	\$ -	\$ -	\$ 40.00	\$ 262.85	\$ -	\$ -
4001	Office Equipment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4002	Office Supplies	\$ 442.23	\$ 729.31	\$ 371.24	\$ 108.57	\$ 319.24	\$ -	\$ -	\$ -
4009	Food Supplies	\$ -	\$ -	\$ 188.00	\$ -	\$ -	\$ -	\$ -	\$ -
	Capital Outlay	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5025	Data Process. Equipment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5030	Equipment Purchase	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Monthly Totals	\$ 7,987.68	\$ 3,746.44	\$ 8,393.58	\$ 2,109.06	\$ 7,721.19	\$ 4,914.70	\$ -	\$ -
	Cumulative Totals	\$ 7,987.68	\$ 11,734.12	\$ 20,127.70	\$ 22,236.76	\$ 29,957.95	\$ 34,872.65	\$ 34,872.65	\$ 34,872.65

1000 Personal Services

Cumulative Totals FY 2023 (Expense Report)

Object Code	Description	March	April	May	June	July FY24p	Total	Budget	Remaining	CREDITS
	Travel	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,789.43	\$ 14,500.00	\$ 8,710.57	\$ -
2000-2004	Employee Instate	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,268.55			
2005-2011	Non Employee Instate	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 416.20			
2012-2016	Emp. Out of State	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,104.68			
2017-2022	Non Emp. Out of State	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
	Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,621.78	\$ 87,500.00	\$ 60,878.22	
3000	Training/Conferences	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 250.00			
3032	Software Licenses	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 413.75			
3035-3037	Phone & Internet	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,765.60			
3045	Postage & Shipping	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 489.95			
3046	Advertising	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 157.00			
3047	Promotions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
3057	Office, Storage, Parking	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 23,397.05			
3063	Professional Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
3066	Printing & Binding	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 148.43			
	Commodities	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,461.44	\$ 7,000.00	\$ 4,538.56	
4000	Rules & Law Books	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 302.85			
4001	Office Equipment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
4002	Office Supplies	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,970.59			
4009	Food Supplies	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 188.00			
	Capital Outlay	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,000.00	\$ 5,000.00	
5025	Data Process. Equipment	\$ -	\$ -	\$ -	\$ 0.00	\$ -	\$ -			
5030	Equipment Purchase	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
	Monthly Totals	\$ -	\$ -	\$ -	\$ -	\$ -				
	Cumulative Totals	\$ 34,872.65	\$ 34,872.65	\$ 34,872.65	\$ 34,872.65	\$ 34,872.65				
							Year-To-Date Totals			
							Total	Budget	Remaining	
							\$ 34,872.65	\$ 114,000.00	\$ 79,127.35	
1000	Personal Services						\$ 159,377.87	\$ 397,900.00	\$ 238,522.13	

Final Remaining	\$ 317,649.48
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Credits on Account	\$ -
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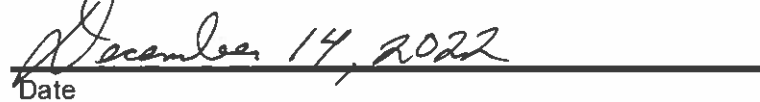
FY24 Budget: Submission

Signed Budget

This document represent this agency's operating budget proposal for the forthcoming fiscal year. It identifies all receipts and expenditures that could be anticipated at the time this budget was prepared.



Marla M. Greenstein, Executive Director



Date

Agency Cover Page
Form A1

FY 2024

Agency Commission on Judicial Conduct #770

The Commission on Judicial Conduct has the constitutional and statutory obligations to investigate and address allegations of judicial misconduct or disability concerning any state court judge. While a vast majority of Commission complaints are dismissed by the Commission after investigation into the facts, a few complaints may evolve into formal investigations and hearings before the Commission. The hearing process involves full pre-trial preparation and can be both time-consuming and expensive. Due to the Commission's fluctuating caseload, it is unable to anticipate the number of complaints that may go to formal hearing in any given year.

Staff continues to fully process an average incoming complaint within ninety days. If unusual situations arise (such as formal disciplinary hearings) the Commission adjusts its contractual expenses, when possible, to hire an investigator on contract for a very limited time and purpose; or hires a special counsel.

The Commission responds promptly to inquiries by the public. In addition, the Commission's Formal Ethics Opinions are routinely distributed with Commission informational brochures and complaint forms. Continuing educational activities includes: individualized ethics orientation sessions for new judges; ongoing educational ethics programs for state judicial officers and court staff; and, providing formal advisory opinions to judges. In addition, the Commission will continue to respond to public needs in the coming year by improving its public outreach.

**Agency Overview
Form A4**

FY 2024

Agency Commission on Judicial Conduct #770

CONTACT:
Marla N. Greenstein, Executive Director, 272-1033

Description of BRU Services and Responsibilities:

Created in the state constitution, the Commission on Judicial Conduct consists of nine members: three judges, three lawyers and three public members who are not lawyers or judges. By statute, the Commission is empowered to (1) inquire into allegations of judicial misconduct or disability; (2) hold hearings; (3) informally sanction judges; and (4) recommend formal sanctions to the supreme court. In addition, the Commission approved a procedure for issuing advisory ethics opinions to state judges. The opinions give ethical guidance to judges in response to their requests.

CONTACT: Marla N. Greenstein, Executive Director, 272-1033
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Marla N. Greenstein, Executive Director, 272-1033

COMPONENT GOALS:

EXPENDITURE:	FY 2022 Actual	FY 2023 Authorized	FY 2024 Request
Personal Services	356.9	352.2	406.9
Other Program Costs	72.1	114.0	114.0
TOTAL	429.0	466.2	520.9
FUNDING SOURCES:			
Constit. Bdgt. Reserve			
General Fund Match			
General Fund	429.0	466.2	520.9
GF Program Receipts			
GF Mental Health			
Other Funds	-	-	-
TOTAL	429.0	466.2	520.9
STAFFING:			
Permanent Full-Time	2	2	2
Permanent Part-Time	-	-	-
Non Permanent	-	-	-

DESCRIPTION OF COMPONENT SERVICES:

Our full-time staff of two employees maintains a full-time office responding to public inquiries concerning judicial conduct matters and investigating ethical complaints against state court judges. We support a nine-member commission, providing constant information and seeking policy direction from its members. The commission holds quarterly in-person meetings and teleconferences as needed. Our office can be reached statewide by a toll-free number and our investigations entail research involving court locations throughout Alaska.

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Component Goals and Services Form CF1

Agency Commission on Judicial Conduct #770
BRU
Component

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FY 2024

ITEM AND EXPLANATION	ITEM AMOUNT	FUNDING		POSITIONS		C100	C200	C300	C400	C500	C700	C800
		CODE	AMOUNT			PERSONAL SERVICES	TRAVEL	SERVICES	COM- MODITIES	CAPITAL OUTLAY	BUILDINGS	MISCEL- LANEOUS
1. FY 2023 Conference Committee Report	475.3	1004	475.3	PFT	2							
				PPT		361.3	14.5	87.5	7.0	5.0		
2. Fiscal Notes/Other Appropriation Bills				PFT								
				PPT								
3. Vetoes	(9.1)	1004	(9.1)	PFT								
				PPT		(9.1)						
4. COLA & Other Adjustments				PFT								
				PPT								
5. FY 2023 Authorized	466.2	1004	466.2	PFT	2							
				PPT		352.2	14.5	87.5	7.0	5.0		
6. One-Time Items				PFT								
				PPT								
7. FY 2023 Adusted Base	466.2	1004	466.2	PFT	2							
				PPT		352.2	14.5	87.5	7.0	5.0		
8. HB266 Adjustment				PFT								
	45.7	1004	45.7	PPT		45.7						
				PFT	2							
9. FY 2024 Base	511.9	1004	511.9	PPT		397.9	14.5	87.5	7.0	5.0		
10. Transfers/Salary Adj. (see C2 Continuation)	4.2	1004	4.2	PFT								
				PPT		4.2						
				PFT	2							
11. FY 2024 Adjusted Base	516.1	1004	516.1	PPT		402.1	14.5	87.5	7.0	5.0		

**Adjusted Base
Calculation
Form C2**

Agency Commission on Judicial Conduct #770
BRU _____
Component _____

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FY 2024

Explanation of C2 Line 10 (Transfers & Salary Adjustments):

FY24 PERS Increase from 24.79 to 25.10%	0.8
FY24 Health Insurance Increase from \$1,685/mo to \$1,793/mo	2.6
FY24 SBS Increase \$147.0 to \$160.2	<u>0.8</u>
 Total Line 10 Adjustments	 <u><u>4.2</u></u>

**Adjusted Base
Continuation
Form C2**

Agency Commission on Judicial Conduct #770
BRU

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FY 2024

TITLE:

Vacancy Underfunding at 0%

DESCRIPTION:

The Commission on Judicial Conduct is comprised of two staff members - an executive director and an administrative assistant. The budget of the Commission on Judicial Conduct is very small with the majority of the funding required to pay the costs of personal services. This request is for \$4,800 to fully fund the projected FY24 personal services expense for this agency. As a two person staff, we have no capacity to absorb personal services below our obligated amount while providing our Constitutionally mandated services.

CODE	EXPENDITURE	AMOUNT
100	Personal Services	4.8
200	Travel and Moving	
300	Contractual Services	
400	Supplies and Materials	
500	Capital Outlay	
	Total	4.8
	FUNDING SOURCES	
1002	Federal Receipts	
1003	General Fund Match	
1004	General Fund	4.8
1005	GF Program Receipts	
1007	Interagency Receipts	
1037	GF Mental Health	
1092	MHTAAR	
1108	Statutory Designated Program Receipts	
	Total	4.8
	STAFFING	
	Permanent Full-Time	
	Permanent Part-Time	
	Non-Permanent	

Increment/Decrement
Request
Form C5

Agency Commission on Judicial Conduct #770
BRU
Component

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FY 2024

CODE	PERSONAL SERVICES CLASSIFICATION	FY 2022 ACTUAL	FY 2023 AUTHORIZED	FY 2024 ADJUSTED BASE	CHANGE	FY 2024 REQUEST
1000	TOTAL PERSONAL SERVICES	356.9	352.2	402.1	4.8	406.9
	INTERAGENCY TRANSFERS (NON-ADD)					

1001	Constitutional Budget Reserve					
1002	Federal Receipts					
1003	General Fund Match					
1004	General Fund	356.9	352.2	402.1	4.8	406.9
1005	GF/Program Receipts					
1053	Investment Loss Trust Fund					
1007	I-A Receipts					

Permanent full-time positions	2	2	2	-	2
Permanent part-time positions	-	-	-	-	-
Total permanent positions	2	2	2	-	2
Permanent full-time staff months	24	24	24	-	24
Permanent part-time staff months	-	-	-	-	-
Total permanent staff months	24	24	24	-	24
Non-permanent positions	-	-	-	-	-
Non-permanent staff months	-	-	-	-	-

**Personal
Services
Form C100**

Agency Commission on Judicial Conduct #770
BRU _____
Component _____

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FY 2024

Type	Permanent Positions							Non-Permanent Positions					
	PFT	PPT	Mo.	Salary	Benefits	FY 2023 Total	FY 2024 Total	NPP	Mo.	Salary	Benefits	FY 2023 Total	FY 2024 Total
Classified Positions	2	-	24	264,606	135,503	400,109	406,888						
Total Salary and Benefits (Permanent & Non-Permanent Positions)						400,109	406,888						
Authorized Funding						397,900	402,100						
Underfunding Amount						(2,209)	(4,788)						
Underfunding Percentage						0.6%	1.2%						

Personal Services Cost Summary Form C110

Agency Commission on Judicial Conduct #770
BRU
Component

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FY 2024

PCN	BU	Title	Type	COLA Step	Range / Step	Bi-Weekly Salary	Months	FY 2023			FY 2024
								Salary	Benefits	Total	Salary & Benefits
410021	XJ	Executive Director	PFT	0	27R	7,968.00	12	207,168	93,847	301,015	303,762
410022	XJ	Administrative Assistant	PFT	0	12E/F	2,225.25	12	57,438	41,656	99,094	103,126
<u>Classified positions</u>											
		Permanent full-time	2				24	264,606	135,503	400,109	406,888
		Permanent part-time	-				-	-	-	-	-
		Total	2				24	264,606	135,503	400,109	406,888

**Personal Services
Authorized Positions
Form C130**

Agency Commission on Judicial Conduct #770
BRU
Component

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FY 2024

CODE	TRAVEL CLASSIFICATION	FY 2022 ACTUAL	FY 2023 AUTHORIZED	FY 2024 ADJUSTED BASE	CHANGE	FY 2024 REQUEST
2000	TOTAL TRAVEL	6.8	14.5	14.5	-	14.5
	INTERAGENCY TRANSFERS (NON ADD)					

1001	Constitutional Budget Reserve					
1002	Federal Receipts					
1003	General Fund Match					
1004	General Fund	6.8	14.5	14.5	-	14.5
1005	GF/Program Receipts					
1037	GF/Mental Health Trust					
1007	I-A Receipts					

2000	In-State Travel	3.0	6.5	6.5	-	6.5
2001	Out-of-State Travel	3.8	8.0	8.0	-	8.0
					-	
					-	

Travel
Form C200

Agency Commission on Judicial Conduct #770
 BRU _____
 Component _____

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FY 2024

CODE	DESCRIPTION	FY 2023 AUTHORIZED	FY 2024 ADJUSTED BASE	FY 2024 REQUEST
2000	In-State Travel This expenditure classification consists primarily of transportation and per diem costs of Commission members and staff to attend commission meetings and commission-related in-state travel. FY 2023 Authorized <u><u>6,500</u></u>	6.5	6.5	6.5
2001	Out-of-State Travel This expenditure classification includes the transportation and per diem costs of Commission members and staff to attend out-of-state meetings. FY 2023 Authorized <u><u>8,000</u></u>	8.0	8.0	8.0

Travel (Continued)
Form C200

Agency Commission on Judicial Conduct #770
 BRU _____
 Component _____

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FY 2024

CODE	SERVICES CLASSIFICATION	FY 2022 ACTUAL	FY 2023 AUTHORIZED	FY 2024 ADJUSTED BASE	CHANGE	FY 2024 REQUEST
3000	TOTAL SERVICES	58.8	87.5	87.5	-	87.5
	INTERAGENCY TRANSFERS (NON-ADD)					

1001	Constitutional Budget Reserve					
1002	Federal Receipts					
1003	General Fund Match					
1004	General Fund	58.8	87.5	87.5	-	87.5
1005	GF/Program Receipts					
1037	GF/Mental Health Trust					
1007	I-A Receipts					

3000	Education Services	4.2	3.0	3.0	-	3.0
3002	Legal & Judicial Services	-	25.8	25.8	-	25.8
3004	Telecommunications	4.2	5.2	5.2	-	5.2
3006	Delivery Services	0.9	3.1	3.1	-	3.1
3007	Advertising and Promotions	0.2	4.0	4.0	-	4.0
3009	Rentals / Leases	48.3	43.0	43.0	-	43.0
3010	Equipment Repairs / Maintenance	-	3.2	3.2	-	3.2
3011	Other Services	1.0	0.2	0.2	-	0.2

**Services
Form C300**

Agency Commission on Judicial Conduct #770
BRU _____
Component _____

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FY 2024

CODE	DESCRIPTION	FY 2023 AUTHORIZED	FY 2024 ADJUSTED BASE	FY 2024 REQUEST
3011	<p>Other Services</p> <p>This classification provides for various miscellaneous charges not budgeted elsewhere and occasional miscellaneous charges on vendor accounts.</p> <p>FY 2023 Authorized <u>200</u></p>	0.2	0.2	0.2

Services (continued)
Form C300

Agency Commission on Judicial Conduct #770
BRU
Component

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FY 2024

CODE	COMMODITIES CLASSIFICATION	FY 2022 ACTUAL	FY 2023 AUTHORIZED	FY 2024 ADJUSTED BASE	CHANGE	FY 2024 REQUEST
4000	TOTAL COMMODITIES	6.5	7.0	7.0	-	7.0
	INTERAGENCY TRANSFERS (NON-ADD)					

1001	Constitutional Budget Reserve					
1002	Federal Receipts					
1003	General Fund Match					
1004	General Fund	6.5	7.0	7.0	-	7.0
1005	GF/Program Receipts					
1037	GF/Mental Health Trust					
1007	I-A Receipts					

4000	Office and Library Supplies	6.5	7.0	7.0	-	7.0
4000	Agricultural Supplies					
4000	Household and Institutional Supplies					
4000	Professional and Scientific Supplies					
4000	Data Processing Supplies					
4000	Other Operating Supplies					
4000	Repair and Maintenance Supplies					

**Commodities
Form C400**

Agency Commission on Judicial Conduct #770
BRU _____
Component _____

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FY 2024

CODE	DESCRIPTION	FY 2023 AUTHORIZED	FY 2024 ADJUSTED BASE	FY 2024 REQUEST
4000	Office and Library Supplies This expenditure classification provides for general office supplies, stationery, educational books, directories, manuals and state forms. FY 2023 Authorized <u><u>7,000</u></u>	7.0	7.0	7.0

Agency Commission on Judicial Conduct #770
BRU
Component

FY 2024

CODE	CAPTIAL OUTLAY CLASSIFICATION	FY 2023 ACTUAL	FY 2023 AUTHORIZED	FY 2024 ADJUSTED BASE	CHANGE	FY 2024 REQUEST
5000	TOTAL CAPITAL OUTLAY	-	5.0	5.0		5.0
	INTERAGENCY TRANSFERS (NON ADD)					

1001	Constitutional Budget Reserve					
1002	Federal Receipts					
1003	General Fund Match					
1004	General Fund	-	5.0	5.0	-	5.0
1005	General Fund Program Receipts					
1037	General Fund Mental Health Trust					
1007	Interagency Receipts					

5004	Vehicles and Transportation Equipment					
5004	Communication Equipment					
5004	Data Processing Equipment					
5004	Laboratory and Scientific Equipment					
5004	Shop, Plant and Industrial Equipment					
5004	Special Equipment					
5004	Fumiture and Office Equipment	-	5.0	5.0		5.0

**Capital Outlay
Form C500**

Agency Commission on Judicial Conduct #770
BRU
Component

Page 1 of 2

FY 2024

	Description	Location	Quantity	Unit cost	FY 2023 AUTHORIZED	FY 2024 ADJUSTED BASE	FY 2024 REQUEST
5004	Replacement office equipment	Anchorage			5,000	5,000	5,000
					-	-	-
					5,000	5,000	5,000

Capital Outlay
(continued)
Form C500

AgencyCommission on Judicial Conduct #770
BRU
Component

Personal Services Increment Request

On Nov 25, 2022, at 9:05 AM, Deanna Hoey <dhoey@akcourts.gov> wrote:

Hi Marla,

Attached is a draft of your FY24 Budget Request. Please review and let me know if any edits are necessary. You sometimes request changes to the numbers in the C200 – C400.

It has been since 2018, but the personal services are once again underfunded starting in FY23 due to merit increases. The amount underfunded in FY24 is \$4,800 due to FY23 and FY24 merit increases. We may still have time to submit an increment if you wish to seek funding for FY24. Sorry I didn't have these numbers calculated earlier.

Attached is a copy of the increment requested in 2018 for reference.

Thank you,
Deanna

From: Marla Greenstein <mgreenstein@acjc.state.ak.us>
Sent: Friday, November 25, 2022 11:01 AM
To: Deanna Hoey <dhoey@akcourts.gov>
Cc: Rhonda McLeod <rmcleod@akcourts.gov>; Aleta Assistant <ABartimmo@acjc.state.ak.us>
Subject: Re: FY24 Budget Request - Draft

Thank you! I was able to renegotiate our office lease, so we will have some savings there. Aleta and I will work on this today and early next week, and hope to get our changes to you by Tuesday.

Marla

Marla N. Greenstein
Executive Director
Alaska Commission on Judicial Conduct
510 L Street, Suite 585
Anchorage, AK

907-272-1033

Judiciary - Judicial Conduct FY24 Increment

dhoey@akcourts.gov | TUE NOV 29 8:47 AM | 2 min read | 1

Hi Kyle,

Judicial Conduct would like to submit an FY24 budget increment after all. Is there still time to get this on in? We would really appreciate this one being included. Attached is the C5 for the increment as well as the language below for ease of copy/paste. The funding should be GF.

Thank you,
Deanna Hoey
Finance Officer
Alaska Court System
907-264-8225

Vacancy Underfunding at 0% - \$4,800

The Commission on Judicial Conduct is comprised of two staff members - an executive director and an administrative assistant. The budget of the Commission on Judicial Conduct is very small with the majority of the funding required to pay the costs of personal services. This request is for \$4,800 to fully fund the projected FY24 personal services expense for this agency. As a two person staff, we have no capacity to absorb personal services below our obligated amount while providing our Constitutionally mandated services.

1 Attachment

C5 for OMB FY 2024 J... .pdf

RE: Judiciary - Judicial Conduct FY24 Increment

dhoey@akcourts.gov | MON DEC 5 9:09 AM | 3 min read | 1

Hi Kyle,

Were you able to include the increment for Judicial Conduct? They are in the process of finalizing their FY24 budget request and need confirmation that the increment has been included. Thank you. Deanna

From: Deanna Hoey

Sent: Tuesday, November 29, 2022 8:47 AM

To: 'Scherrer, Kyle S (GOV)' <kyle.scherrer@alaska.gov>

Cc: 'marla greenstein' <mgreenstein@acjc.state.ak.us>; Rhonda McLeod <rmcleod@akcourts.gov>; Aleta Bartimmo-ACJC Administrative Assistant (abartimmo@acjc.state.ak.us) <abartimmo@acjc.state.ak.us>

Subject: Judiciary - Judicial Conduct FY24 Increment

Hi Kyle,

Judicial Conduct would like to submit an FY24 budget increment after all. Is there still time to get this on in? We would really appreciate this one being included. Attached is the C5 for the increment as well as the language below for ease of copy/paste. The funding should be GF.

Thank you,

Deanna Hoey

Finance Officer

Alaska Court System

907-264-8225

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1 Attachment

C5 for OMB FY 2024 J... .pdf

From: Scherrer, Kyle S (GOV) <kyle.scherrer@alaska.gov>
Sent: Thursday, December 8, 2022 10:07 AM
To: Deanna Hoey <dhoey@akcourts.gov>
Cc: Greenstein, Marla N (ACJC) <mgreenstein@acjc.state.ak.us>; Rhonda McLeod <rmcleod@akcourts.gov>; Bartimmo, Aleta K D (ACJC) <abartimmo@acjc.state.ak.us>
Subject: RE: Judiciary - Judicial Conduct FY24 Increment

Good morning.

I am so sorry for the delayed response, I've been out with the flu.

OMB leadership is aware of this item but unfortunately it came in too late for the Governor's budget release. We could not adjust numbers at the time it was submitted.

It will be included for review in the Governor's Amended budget.

Thank you,

Kyle

---- On Thu, 08 Dec 2022 11:11:47 -0900 **Deanna Hoey** <dhoey@akcourts.gov> wrote

Thank you for the update, Kyle. So sorry to hear you had the flu 😞 Rhonda is out with the flu the last couple of days and she feels horrible. Sounds like a bad one going around.

Do you have a timeline for sending us the Change Record Detail with Description (285)? We like to verify the entries match to our budget request before we do a final print.

Do you also have a timeline for sending us the FY22 Component Detail (1077)? This is necessary to finalize the budget document as well. We like to compare numbers as there are sometimes \$100 differences due to rounding.

Thank you,
Deanna Hoey
Finance Officer
Alaska Court System
907-264-8225

Commissioner Status

2023 Commission Seat Expirations

Judge Members

Judge Erin Marston - retiring

Term Expires January 31, 2023

Judge Amy Mead

Term Expires January 31, 2023

Public Members

Todd Fletcher - Anchorage

Term Expires February 28, 2023

From: Lesa Robertson
Date: December 19, 2022 at 2:40:39 PM AKST
To: Alaska State Judges
Cc: Marla Greenstein <mgreenstein@acjc.state.ak.us>
Subject: Two Judicial terms ending on the Alaska Commission of Judicial Conduct

Dear Justices and Judges:

Under AS 22.30.010, the Commission on Judicial Conduct consists of nine members, including three persons who are justices or judges of state courts, elected by the justices and judges of the state courts. Under AS 22.30.015, the term of office for a commission member is four years. Commission members may seek re-election to the Commission upon the completion of their term.

The three current members of the Commission on Judicial Conduct are Superior Court Judge Amy Mead (First Judicial District), Superior Court Judge Paul A. Roetman (Second Judicial District), and Superior Court Judge Erin B. Marston (Third Judicial District).

Judge Marston will be retiring in January 31, 2023 and Judge Amy Mead was elected to fill the remainder of the Judge Carey's term when he retired earlier this year. Both of these terms expire on January 31, 2023. The new four-year terms begin February 1, 2023 and end on January 31, 2027. Judge Mead has indicated if elected, she would be willing to serve a full four-year term. These positions are open to any state judge regardless of Judicial District.

If you would like to be a candidate for one of these two seats, please indicate your interest by replying to this e-mail by Wednesday, December 28. After we compile a list of candidates, we will distribute an electronic ballot for the election.

The powers and duties of the Commission on Judicial Conduct are specified in AS 22.30.011. If you have any questions about the work of the Commission, feel free to contact Marla Greenstein at 272-1033 or mgreenstein@acjc.state.ak.us

Thank you.
Lesla

Lesla Robertson
Administrative Director's Office
303 K Street
Anchorage, AK 99501
(907) 264-0548
(907) 264-0881 (Fax)

Professional Activities

ABA Webinar: Ethics in a Virtual Court

American Bar Association Judicial Division

[AMBAR.ORG](#) | [CAREER CENTER](#) | [MEMBERSHIP](#) | [CALENDAR](#) | [CLE](#) | [PUBLISHING](#)



In the face of the COVID-19 pandemic, the virtual court has proven to be the survival life-line for the administration of justice. When the pandemic eases, the cost-effective and efficient means of holding court remotely undoubtedly will continue. What are ethical issues posed by the virtual court?

In this program, judicial and attorney panelists will discuss the ethical parameters involved in the virtual court, including such issues as confidentiality of communications and confidentiality of sharing information, private chats, access to justice for all participants including the pro se litigant and the public, including ensuring availability of electronic platforms, ex parte communications, attire and backgrounds, competency in courtroom technology, handling evidence, maintaining courtroom decorum, multi-jurisdiction practice, among other issues. The program will address, at a minimum, Model Rules of Professional Responsibility 1.6, 3.3, 3.5, and 5.5 and Model Code of Judicial Conduct 1.2, 2.2, 2.5, 2.6, and 2.8.

At the end, attendees will have:

- Awareness of access to justice issues
- Takeaways to work to rectify access to justice in home jurisdictions
- Education regarding Model Rules, Model Code, and ABA opinions

[Register Now](#)

Connect with us.



This message was sent to mgreenstein@acjc.state.ak.us.
Your e-mail address will only be used within the ABA.
We do not sell or rent e-mail addresses.

American Bar Association
321 N Clark, Chicago, IL 60654-7598
800-285-2221 | 312-988-5522

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Judicial Division - Annual Meeting
Thursday August 4, 2022
1:30 – 3:00 p.m. (Alpine Ballroom I)

Judicial and Lawyer Ethics in a Virtual Court

Panelists:

Honorable Emily Chafa, Administrative Law Judge, State of Iowa (ret.)
Honorable Peter M. Reyes, Jr., Minnesota Court of Appeals
Marla Greenstein, Executive Director, Alaska Commission on Judicial Conduct
AJ Singleton, Member/General Counsel, Stoll Keenon Ogden (Lexington, KY)

Moderator:

Victoria Alvarez, Associate, Troutman Pepper (Charlotte, NC)

1:30 – 1:40 p.m. Introductions (Victoria to call on panelists by turn)

1:40 – 2:00 p.m. Topic 1 – Duty of Competence and Diligence

[ABA Formal Opinion 498](#) – Virtual Practice

Technology, see [Model Rule 1.1](#) – Competence,¹ [Model Rule 1.3](#) – Diligence, [Model Rule 1.4](#) – Communication

AJ to discuss lawyer’s duty to be familiar with technology.

See also [Code of Judicial Conduct Rule 1.2](#) – Promoting Confidence in the Judiciary; [Code of Judicial Conduct Rule 2.5](#) – Competence, Diligence, and Cooperation

Suggestion: Do judges and clerks understand the technology?

Suggestion: How did the judges change their practice to accommodate the virtual court?

[ABA Formal Opinion 495](#) – Lawyers Working Remotely (Unauthorized Practice of Law). See also [Model Rule 5.5](#).

2:00 – 2:20 p.m. Topic 2 – Duty of Confidentiality/Supervision

AJ to discuss lawyer’s duty of confidentiality

¹ Comment [8] to Model Rule 1.1 explains, “To maintain the requisite knowledge and skill [to be competent], a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.”

- Back pocket: Ethics opinion related to Motion to Withdraw as Counsel due to Nonpayment

Communicating with clients

Suggestion: Judges are not necessarily concerned with this item, but they should keep this in mind to prevent inadvertent waiver of privilege.

Security (Wi-Fi/Cloud/Zoom)

Supervising associates/staff. See [Model Rule 5.1](#) Responsibilities of a Partner or Supervisory Lawyer; see also [Code of Judicial Conduct Rule 2.12](#) – Supervisory Duties

2:20 – 2:40 p.m.

Topic 3 – Challenges of Virtual Court

Misconduct/Decorum

Suggestion: Judicial use of social media.

Suggestion: Judges conducting their own research into facts.

AJ to discuss responding to criticism online.

See [Code of Judicial Conduct Rule 2.15](#) – Responding to Judicial and Lawyer Misconduct; [Code of Judicial Conduct Rule 2.8](#) – Decorum, Demeanor, and Communication with Jurors

Access to technology

Geographic Wi-Fi/bandwidth limitations

Suggestion: What steps have the courts taken to ensure that litigants are not disadvantaged if they are without law firm resources?

Programs/recommendations to overcome

2:40 – 2:55 p.m.

Q&A

2:55 – 3:00 p.m.

Closing Remarks

How to stay ethical in virtual court

November 28, 2022

www.americanbar.org

It's the very first rule in the ABA Rules of Professional Conduct: "A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation."

Sounds simple. But what if the court hearing is live and online, the Wi-Fi connection is spotty and the client, who is miles away, wants to talk confidentially?

Four experts at a recent American Bar Association webinar offered advice on how lawyers and judges can navigate tricky ethical issues during online hearings. The program, "Judicial and Lawyer Ethics in a Virtual Court," was sponsored by the ABA Judicial Division and Thomson Reuters.

Among the nuggets of advice:

Know the technology. Don't wait until the hearing. That's too late.

"You want to be able to know how to mute, when to mute, how to put your camera on, how to share documents or sometimes maybe how not to share documents," said A.J. Singleton, general counsel with Stoll Keenon Ogden PLLC in Lexington, Kentucky.

Don't forget, Singleton said, "You are the agent for the client. And you don't want to put yourself in a position where because you don't know how to use the technology, because you don't have the right bandwidth ... you are not presenting the best view in front of the judge," which could affect the outcome.

Also, Singleton added, there is "the embarrassment factor ... You don't want to be that person who ends up in the late-night talk-show video," using an app that makes you look like a cat in front of the judge.

Judges also should know the technology. It's not enough to trust the staff. In a physical courtroom, the judge knows where everything is — the entrances and exits, how to keep parties separated, security, who should speak when. "Those same rules apply in a virtual setting," said Judge Peter M. Reyes Jr. of the Minnesota Court of Appeals. "Judges need to be familiar with how the technology works."

Judges should set ground rules. Emily Chafa learned this lesson during her years as an administrative law judge in Iowa, where much of her work was done by phone.

Many parties in virtual hearings are self-represented litigants, she said, so it's important for judges to describe procedures in simple language and to repeat them often. For example, there should be no interruptions and only one person should talk at a time. Also, she said, minimize background noises from things like pets, children and colleagues.

The mute button is "always a great tool" for judges, Chafa said, but it should be used sparingly and always with advance warnings.

Look at the camera. Don't look to the side or at the screen. "In a physical setting, you wouldn't do that," Reyes said. "You want to be addressing the court itself." The same rule applies to judges, he added.

Make sure the microphone is off before you say something privately. Marla Greenstein, executive director of the Alaska Commission on Judicial Conduct, recalled disciplinary cases from other states in which judges thought the mic was off and the proceedings over, then made "very un-judicious comments" to a staffer or to themselves. "Those remarks shouldn't be made any time, whether you're recorded or not," Greenstein said.

Plan in advance how to handle sidebars. Sometimes lawyers need to raise confidential matters with the court, Greenstein said. That can be a challenge in a virtual hearing. "Most courts, hopefully, have figured that out ahead of time,"

she said.

Plan for one-on-one lawyer-client meetings. Make sure there's a virtual breakout room to accommodate confidential lawyer-client discussions, Chafa said — especially if the lawyer and client are in different places physically.

Be flexible about clothing. Judges in Alaska often don't require formal business attire for virtual hearings, Greenstein said. For example, someone calling into court during a break at their auto repair job is not required to wear a suit and tie, she said. "There's a recognition that part of the flexibility that virtual hearings afford people is that they can call in from whatever they are doing at the moment," Greenstein added.

The panel was moderated by Victoria A. Alvarez, an associate with Troutman Pepper in Charlotte, North Carolina.

Fall Judicial Conference



Fall Judicial Conference

October 27-28, 2022 - Girdwood

AGENDA

THURSDAY, OCTOBER 27th

- | | |
|------------------------|---|
| 7:30 a.m. – 8:30 a.m. | Breakfast (Columbia Ballroom B/C) |
| 8:30 a.m. – 9:15 a.m. | Welcome
<i>Justice Jennifer S. Henderson, Alaska Supreme Court and Chief Justice Daniel E. Winfree, Alaska Supreme Court</i> |
| 9:15 a.m. – 9:30 a.m. | BREAK |
| 9:30 a.m. – 11:45 a.m. | Engaging Youth in Court: Discussion and Workshop
<i>Andrew Wachter, Senior Program Manager, National Council of Juvenile and Family Court Judges; Rhonda Serrano and Nyasha Justice, Senior Attorneys, ABA Center on Children and the Law; and Amanda Metivier, Director, UAA Child Welfare Academy</i> |
| 11:45 a.m. – 1:15 p.m. | Lunch and Administrative Reports
<i>Stacey Marz, Administrative Director; Doug Wooliver, Retired Deputy Administrative Director; Nancy Meade, General Counsel; Marla Greenstein, Executive Director, Alaska Commission on Judicial Conduct; and Susanne DiPietro, Executive Director, Alaska Judicial Council</i> |
| 1:15 p.m. – 1:30 p.m. | BREAK |
| 1:30 p.m. – 2:45 p.m. | State Court and Tribal Court Engagement: Overview of Topics, Legal Foundations, and Resources
<i>Alex Cleghorn, Senior Legal and Policy Director, Alaska Native Justice Center and Jeannie Sato, Access to Justice Director</i> |
| 2:45 p.m. – 3:00 p.m. | BREAK |
| 3:00 p.m. – 3:25 p.m. | Courtview Records: Confidentiality, Sealing, and Expungement
<i>Nancy Meade, General Counsel</i> |
| 3:25 p.m. – 3:30 p.m. | SHORT BREAK |



Fall Judicial Conference

October 27-28, 2022 - Girdwood

AGENDA

CONCURRENT SESSIONS

3:30 p.m. – 4:30 p.m.

PCR's (Columbia Ballroom B/C)

Judge Marjorie Allard, Alaska Court of Appeals; Judge Catherine M. Easter, Anchorage Superior Court; and Judge Kevin Saxby, Anchorage Superior Court

or

District Court Breakout – Q&A with PED (Columbia Ballroom A)

Anastasia Kiefer, Chief Probation Officer, and Delila Schmidt, Deputy Director, DOC Pretrial, Probation, and Parole

5:30 p.m. – 7:00 p.m.

Catch up with your Colleagues

Ballroom (Light appetizers and no-host bar)

FRIDAY, OCTOBER 28th

7:30 a.m. – 8:30 a.m.

Breakfast (Columbia Ballroom B/C)

8:30 a.m. – 10:00 a.m.

What's Your Bail?

Judge Matthew Christian, Fairbanks District Court; Judge Jude Pate, Sitka Superior Court Judge; Judge Martin Fallon, Kenai District Court; and Judge Amanda L. Browning, Palmer District Court

10:00 a.m. – 10:15 a.m.

Break

10:15 a.m. – 11:45 a.m.

Racial Disparities in the Court

Judge Pamela Washington, Anchorage District Court

11:45 a.m. – 12:45 p.m.

Lunch



Fall Judicial Conference

October 27-28, 2022 - Girdwood

AGENDA

12:45 p.m. – 1:45 p.m.

Mini Sessions (Select 2 of 4)

1. Judicial Settlement Conferences – Key Points to be Effective (advanced sign-up required) (Columbia Ballroom B/C)
Senior Judge Donald D. Hopwood and Judge Eric Aarseth, Anchorage Superior Court
2. Informal Domestic Relations Trials (Harding Room)
Judge Thomas A. Matthews, Anchorage Superior Court and Senior Judge Trevor Stephens
3. Judicial Council Retention Surveys Work Session (Bering Room)
Susanne DiPietro, Executive Director, Alaska Judicial Council
4. Group Activity, TBD (Columbia Ballroom A)

1:45 p.m. – 2:00 p.m.

BREAK

2:00 p.m. – 4:15 p.m.

Ethics Program: Compassion Fatigue, Burnout, and Judicial Temperament

Sara Grondahl, HR Director; Marla Greenstein, Executive Director, Alaska Commission on Judicial Conduct; and Judge Brent Bennett, Fairbanks Superior Court

4:15 p.m.

Judicial Conference Adjourns

Anchorage Association of Women
Lawyers CLE

Join AAWL on December 19th for our annual ethics program! The event will feature a series of hypotheticals to test your ethics knowledge.

"Wait, Wait, Don't Tell Me... Ethics Opinions!"

Presented by:

Marla Greenstein, Executive Director, Alaska

Commission on Judicial Conduct

Susan Orlansky, Of Counsel, Reeves Amodio

Phil Shanahan, Bar Counsel, Alaska Bar Association

FREE to attend this year, as a gift from AAWL to you!

Please consider becoming a member of AAWL!

DETAILS

12:00 p.m.-1:30 p.m.

Monday, December 19, 2022

1.5 Ethics CLE credits (approval pending)

Materials to be provided

ZOOM INFO

Meeting ID: 879 1499 9127

Passcode: 776614

[Zoom Meeting Link](#)

NEED TO RENEW YOUR AAWL MEMBERSHIP?

Do so [here](#)!

January 2023: Newer Judge Training

Alaska Court System Newer Judge Conference January 25-27, 2023	
DAY 1 (Wednesday, January 25)	
8:15 a.m. - 8:30 a.m.	Coffee & pastries
8:30 a.m. - 9:00 a.m.	Welcome and Introductions - Justice Maassen and Judge Pate
9:00 a.m. - 10:00 a.m.	Session 1: The Criminal Bench Book - Judge MacDonald and Judge Pate
10:00 a.m. - 10:15 a.m.	BREAK
10:15 a.m. - 11:00 a.m.	Session 2: Judicial Security - Derek Jubitz
11:00 a.m. - 12:45 p.m.	Lunch with a Buddy Judge Group
12:45 p.m. - 1:00 p.m.	Gather in the Training Center
1:00 p.m. - 2:30 p.m.	Session 3: Ethics: "Be Mindful" - Marla Greenstein and Judge Pate
2:30 p.m. - 3:00 p.m.	LONG BREAK
3:00 p.m. - 4:30 p.m.	Session 4A: CINA 101 - Judge Greg Miller, Judge Lance Joanis
OR	Session 4B: District Court Breakout: DUIs and Criminal Issues - Judge Seekins, Judge McCrea
DAY 2 (Thursday, January 26)	
8:15 a.m. - 8:30 a.m.	Coffee & pastries
8:30 a.m. - 9:45 a.m.	Session 5: Character Evidence - Judge DiBenedetto and Judge Kristiansen
9:45 a.m. - 10:15 a.m.	LONG BREAK
10:15 a.m. - 11:45 a.m.	Session 6: Tech Training - Judge Mead and Nichole Johnson
11:45 a.m. - 1:15 p.m.	Lunch (provided) and Optional Session at 12:15 p.m.: Judge as Employer - Judge Hopwood and Beth Moss (45 min.)
1:15 p.m. - 2:45 p.m.	Session 7: Around the World of Admin - Aesha Pallesen, Rhonda McLeod, Sara Grondahl, Stacy Steinberg, Kathleen Doherty, Jeannie Sato (plus intro of Newer Appellate Judges?)
2:45 p.m. - 3:00 p.m.	BREAK
3:00 p.m. - 4:30 p.m.	Session 8: Practical Judging in Domestic Violence Cases - Moderator: Judge McCrea; Panel: TBD
6:00 p.m. - 8:00 p.m.	Social Event at the home of Judge Miller
DAY 3 (Friday, January 27)	
8:15 a.m. - 8:30 a.m.	Coffee & pastries
8:30 a.m. - 9:45 a.m.	Session 9: Try this Case Only Once - Judge Allard
9:45 a.m. - 10:00 a.m.	BREAK
10:00 a.m. - 11:30 a.m.	Session 10: Advice from Experienced Judges - Moderator: Judge Hopwood; Panel: Judge Walker, Judge Gandbhir, and Judge Nesbett

Travel Request

2023 ABA Mid-Year & AJDC
Board Meetings



Alaska Commission on Judicial Conduct

510 L Street, Suite 585, Anchorage, Alaska 99501-1959

(907) 272-1033

In Alaska 800 478-1033

FAX (907) 272-9309

Marla N. Greenstein
Executive Director
E-Mail: mgreenstein@acjc.state.ak.us

December 22, 2022

MEMORANDUM

TO: Commission Members

FROM: Marla N. Greenstein
Executive Director

A handwritten signature in black ink, appearing to be "M. Greenstein".

RE: Professional Travel

The Commission has a policy of allowing staff annual travel to the Association of Judicial Disciplinary Counsel Annual Meeting in July and to the August ABA Annual Meeting, with the expenses covered by the Commission's operating budget and allows additional professional travel should operating budget funds allow and subject to approval by the Commission. Typically, those meetings have included the American Bar Association mid-year meeting and the Association of Judicial Disciplinary Counsel mid-year board meeting. In 2020 and 2021 due to the pandemic, those meetings were not held as in person events. In 2022 only one of the meetings was held in person.

The ABA Mid-year meeting will be held in New Orleans, and I would attend from Thursday February 2 to Sunday February 5. Total expenses for this meeting will be approximately \$2500. At the ABA meeting I am involved in my judicial ethics committee work and work on the Judges Journal editorial board.

In late March, the Association of Judicial Disciplinary Counsel Board will be meeting in San Diego from March 22-25. It is the meeting of many of my associates across the country where we discuss current issues and plan our July Annual Meeting program. It should be a total expense of approximately \$2500.

We have the travel funds to reimburse my expenses for both the ABA Mid year Meeting and the AJDC March Board meeting.

Public Session Informational

Section II

Judge Wells set to retire from Kenai Superior Court

Kenai Superior Court Judge Jennifer Wells is hanging up her robes after nearly 30 years in the state court system to spend more time with family.

Wells was appointed to the Superior Court in 2017 by Gov. Bill Walker. She's one of three Superior Court judges in Kenai, a job she said has the broadest jurisdiction of any type of judge on the bench.

"They can handle everything from the traffic ticket to the homicide case," Wells said. "There's no matter that's brought before the court to be heard that they can't hear."

Working as a Superior Court judge is just the latest iteration of her career in the Alaska Court System. For over two decades, she was a magistrate judge, which she said in the court system is like being an "emergency room doctor." Her first magistrate job was in Tok.

"I'm grateful for the fact that I started being a magistrate in Tok," Wells said. "It was a two-person court in a town of 1,000, 200 miles from the nearest movie theater, in the middle of beautiful wilderness. And that was a great place to start."

She said working and socializing in a small town as an early 30-something had its challenges. But she got a real sense of what it meant to be a community's judge, from marrying residents to processing their paperwork and working as the community's coroner.

"So you get to be involved with every aspect of people's lives," she said. "And you get a real personal connection to the community that you're serving."

Then, she moved to Anchorage — "where it was the absolute opposite."

In Anchorage, Wells processed domestic violence protective order cases, as an acting District Court judge. She said there wasn't that same sense of connection that she got in Tok and she missed handling such a wide array of cases.

"And then, like Goldilocks, moving to Kenai was just the right size," she said.

When a spot opened up on the Superior Court, she applied — mainly, she said, so she could work on the Henu Wellness Court, which had started a year prior to keep substance use cases out of jail. The program takes between 18 and 24 months and is a partnership between the Alaska Court System and the Kenaitze Indian Tribe, making it the only joint jurisdiction court in the state.

"I completely love that court," she said. "That is the project of my heart. That's the reason I don't want to leave."

In wellness court, parties meet in plainclothes in a conference room and judges take time getting to know the people who appear in front of them for a restorative approach to justice. The process brings in a host of supports from across the community, including the district attorney and treatment providers.

Wells said working in collaboration with the tribe also brings some heart and soul to the process.

"I guess, going back to Tok, where things felt more personal and connected and therefore more meaningful for everyone and maybe more effective — wellness courts have been proven, for a very long time now, to reduce recidivism and help people make meaningful change and meaningful healing," she said.

Wells has also worked as a training judge in Alaska's Third Judicial District and, early in her career, as an assistant public defender in Kenai and law clerk.

Over the last few months, Wells has taken heat from a vocal group alleging she's played a role in keeping grand juries from investigating corruption in the

court system. Wells said while the opposition has been more public than most, the pushback is part of the job.

"I mean, this job — any judicial job — half the decisions you make are probably going to make someone unhappy," she said. "So to some extent, that comes with the territory, having people unhappy with you for one reason or another."

Wells' term on the bench isn't technically up until 2026. But she said, nearing 60, she thinks it's time to take a step back and spend more time with family, including her dad, who's suffering from health problems in Massachusetts, where she's from.

The Alaska Judicial Council is now looking for a new Superior Court judge to take Wells' place come March.

The seven-member council will field applications from candidates and recommend two to the governor, who will make a final appointment.

Applications for the position are due at [3 p.m. Oct. 14](#).

Wells hopes whoever succeeds her is also passionate about the work of the wellness court. And she said she'd like to see another woman on the bench.

Letters to the Editor

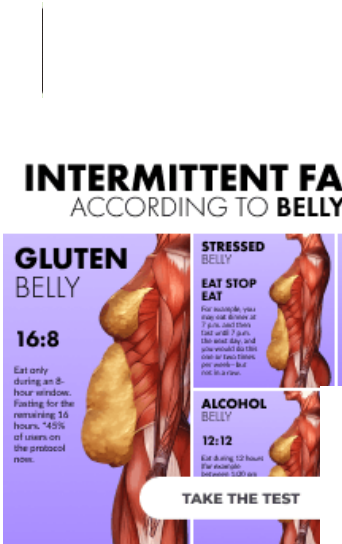
Letter: A wise judge

By Jim Reeves
Updated: October 17, 2022
Published: October 17, 2022

A commentary piece appeared on Oct. 5, criticizing a judge for an initial preliminary decision in the David Eastman eligibility case. It was an unfair attack on a cautious judge who is doing a good job. The author’s message was particularly troubling, because it endorsed an extreme form of judicial activism. It suggested that a judge should refuse to enforce a law if people don’t like the law or consider enforcement of the law inconvenient. Judicial activism of this extreme form has no place in a society that depends upon the rule of law.

The Alaska Constitution states that a person who belongs to an organization which “advocates the overthrow by force or violence of the government of the United States” is not qualified to hold office. There is a dispute about whether Mr. Eastman is disqualified under this law. In our system, disputes like this one are resolved by courts. A court is required to enforce the Alaska Constitution unless a litigant persuasively demonstrates that some higher law prohibits its enforcement. At the initial stage of this Eastman case, it appeared probable to the judge that Eastman is disqualified by the state constitutional provision. However, the judge recognized that it would be premature to make a final

decision on that question so early in the case.



The judge’s challenge was to find a way to protect the interests of Mr. Eastman and his opponents, as well as the public’s interest in orderly administration of elections, until the case can be decided after a trial to be held in December. If the judge were to take no action at all now, that would set the stage for a serious problem if Eastman came out on top in the election and that result were certified but later the judge decided that Eastman is disqualified. On the other hand, if the judge ordered now that Eastman may not stand for election, or that votes for him may not be counted in the provisional tabulation of election results, that could also present a serious problem if, after trial, the court were to decide that the constitutional provision does not apply to Eastman. The judge carefully analyzed the practical considerations presented, and he found the most conservative approach available. The court allowed Eastman to remain on the ballot but ordered deferral of the certification of the election result. In this way, the court avoided impairing Eastman’s right to defend his position in the December jury trial, before a final decision is made. This protects all sides until the court can make its final decision in the case. That is the least intrusive action the judge could have chosen to take at this preliminary stage of the case. That is the epitome of conservative judicial action.

We are fortunate to have judges who are prudent and conservative, rather than politically doctrinaire and hasty in exercising judicial authority. Much of the credit for the high quality of the judges goes to Alaska’s judicial selection procedure.

— Jim Reeves


Anchorage

Have something on your mind? Send to letters@adn.com or click [here](#) to submit via any web browser. Letters under 200 words have the best chance of being published. Writers should disclose any personal or professional connections with the subjects of their letters. Letters are edited for accuracy, clarity and length.


Jim Reeves

Jim Reeves is an attorney and a long-time Anchorage resident. He is a founding member of Friends of the Coastal Trail, a group that worked to create Pt. Woronzof Park.






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ALASKA FEDERATION OF NATIVES

2022 Annual Conference

Address by

**Chief Justice Daniel E. Winfree
Alaska Supreme Court**

Good afternoon. I'm delighted to be here. Why? Because I'd like to thank you for making Alaska a better place. In some ways, this is a step in the path to completing a circle of my life.

My grandparents went to Dawson City in 1898 looking for gold, and they made their way to Fairbanks in about 1905. On the wall outside my office are pictures of the first Tanana Chiefs Conference with Judge Wickersham in 1915, when the Chiefs raised concerns about settlers pushing Alaska Natives out of their traditional lands. From a historical perspective, I recognize that my family obviously played some part in that.

I was born in Fairbanks in the early 50s, well before AFN was born. In elementary school I was in classes with Inupiat kids rooted in what was then Barrow and Athabaskan kids rooted in Interior villages. I was aware of their connections to places I'd never been and to cultures I didn't know anything about, and I was vaguely aware they came to Fairbanks for school; but in elementary school none of that really mattered as much as going out for recess.

Moving on to high school, though, teaches many things, including that there was obvious prejudice against Alaska Natives. Yet — and I blame this on history and teenage naivety — I never thought much about my Native friends' personal connections to a Native world I knew nothing about. There were no classes in Alaska Native history or culture. There were no classes in cross-cultural communication. And one thing I surely was *never* taught was that Alaska Natives had tribes.

Last year's AFN conference focused on 50 years of ANCSA and the future. ANCSA probably was the *start* of my pathway to understanding more about the Native kids I grew up with. After a decade in pipeline camps, college, and law school, I came back to Alaska in 1982 to practice law. Through my years in the law I learned what ANCSA represents, and I saw what the continuing tribal sovereignty movement might mean not only to them, but to all Alaskans. Then in 1994 the federal government formally recognized Alaska Native tribes. What a different Alaska this might be if what underlies these things — so self-evident to you — had been taught to the rest of us when we were young.

Thinking about all this for today's chat, I kept thinking about two people. In high school I played basketball and hung out with a kid a year older than me. We went our separate ways after that, but we're always glad to see each other and chat about life. Now I know him as a Rampart tribal member, a Doyon shareholder, and a past president of Doyon.

And whenever I come to Anchorage I see two incredible caribou masks selected by our court to hang in the public lobby on the fifth floor of our courthouse; they were created by a renowned Athabaskan woman who was born in Tanana and lived in Yukon River

villages before coming to Fairbanks at age 5 to go to school. I smiled when I voted to hang those masks in the lobby, and I smile every time I see them; I'm transported back to my first or second grade classroom, where I used to sit and admire her drawings and colorings that were way beyond my limited stick-figure imagination. I know now that her family came to Fairbanks so they could be together and the kids wouldn't have to go to boarding schools. And I know now that she has had an incredible teaching career in Native villages and at the University of Alaska.

I am in awe of these two classmates from the old days; there are more than I have time to tell about — village mayors; corporate leaders; tribal leaders; you name it, and my former classmates are there. I wish I had learned more about them when I had the chance.

But so what, you say; it's just another old white guy saying he now understands things. It's true that my pathway to understanding has been longer than yours and will never be as complete as yours. But it matters to me. And I haven't been alone on that pathway; you must continue to light that pathway for all Alaskans. And while it's also true that I'm getting old and will have to retire in February, hopefully my age and gray hair make me some kind of elder worth listening to. So let me make a few points.

First, I can assure you that we are doing what we can to strengthen our presence in rural Alaska. For example, we're using what we learned during the pandemic to create rules and policies for holding more proceedings by telephone and video. This will help reduce the need to travel to the courthouse, take time off from work, or find childcare. We want to partner with tribal courts where possible, certainly with therapeutic sentencing initiatives, and perhaps even with joint court facilities in smaller locations or sharing of video technology for people to attend hearings. We're working to identify court proceedings that can be streamed over the internet for public viewing so people all over the State, particularly in rural Alaska, can see what courts are doing everyday to provide justice. We have been emphasizing more ICWA education across the State and are implementing ICWA courts to foster more cooperation between Tribes and the State. And we continue hiring Alaska Native magistrates in rural areas in the tradition of iconic former magistrates Nora Guinn, Dorothy Kameroff, and Sadie Neakok.

Second, we need Alaska Native judges for a judiciary that reflects all of Alaska's people. Encourage your young people to go to law school, come back to clerk for our courts, practice law, and become state court judges. I know that we always learn from our Alaska Native law clerks, and I think we play a small but important role in their transition to bigger things.

Let me mention some past law clerks whose names you surely will recognize. Sisters Heather Kendell Miller and April Ferguson clerked for Justice Jay Rabinowitz; Heather is a non-stop advocate for Alaska Native rights and was the first Alaska Native to

argue a case to the United States Supreme Court; April has had long involvement with AFN and the Bristol Bay Native Corporation.

How about brothers Aaron Schutt, who clerked for Justice Alex Bryner, and Ethan Schutt, who clerked for Justice Bud Carpeneti; you know them today as top executives at Doyon and BBNC. Kyan Olanna, who also clerked for Justice Bryner, went on to be vice president and general counsel for Cook Inlet Tribal Council. Karlin Itchoak, another clerk for Justice Bryner, has been involved in Native corporation and tribal work and now is the Arctic Region director for the Wilderness Society.

Hilary Martin, now working for the Legislature's Legal Counsel office, clerked for Justice Dana Fabe, as did Native American Natalie Landreth, a long-time Alaska lawyer for the Native American Rights Fund and now at the Department of the Interior in Washington, D.C. Natasha Singh clerked for both Superior Court Judge Niesje Steinkruger and me; she went on to be TCC's General Counsel and a Stevens Village tribal judge, and now is with the Alaska Native Tribal Health Consortium. And here's a name that for some reason I've seen a lot the last year or so: Nicole Borromeo, AFN's vice president and general counsel, who clerked for Superior Court Judge Patricia Collins.

You know, I get it — working for tribal organizations, Native Corporations, and Alaska Native advocacy groups clearly is a tremendously fulfilling way to serve your communities. But the Alaska judiciary, and all Alaska, needs your tribal members and shareholders, too; so please send waves and waves of your kids to law school, and encourage and help them along.

For example, in the audience today is a young woman delegate from Nelson Lagoon; she's clerking for a superior court judge in Fairbanks this year. I recently hired a young man to be a supreme court clerk next year with an Anchorage justice; he's an enrolled member of Native Village of Tanana and a Doyon shareholder. He's also a Fairbanks kid and the son and nephew of two of my very good friends in high school. For whatever reason, I am the first Alaska-born Chief Justice of the Alaska Supreme Court. Perhaps this young man, or the young woman from Nelson Lagoon, or someone else already out there, will be the first Alaska Native Chief Justice. I look forward to that day, and if anything I have done contributed in even some small part to that, my circle will be complete.

Finally, over the last nearly 15 years on the Alaska Supreme Court I participated in a wide variety of cases involving Native Corporations, Tribes, and individual Alaska Natives, with the State of Alaska often on the other side. I can assure you that we never have considered these cases with politics in mind. We have dedicated our best efforts to follow and fairly implement federal law on matters important to Alaska Natives. Like tribal sovereignty. Like ICWA. So I hope that when you hear talk about remaking Alaska's

courts by allowing the legislature or the governor to control who can be a judge instead of having judges nominated for selection based on their qualifications, you will remember how important it is to have an independent judiciary willing to put an appropriate check on the political branches of government.

My colleagues and I — and judges all across the State — want justice for all Alaskans. But you of all people know that injustice is never resolved overnight; you must never stop fighting for justice. Your theme of Unity demands it.

Thank you for inviting me and allowing me to share my thoughts. Have a great conference, and please keep pushing Alaska — and all Alaskans — forward to a better life for all of us.

Voter approval of Alaska judges is hitting an all-time low, and justice system experts aren't sure why

[Jeremy Hsieh, Alaska Public Media - Anchorage](#) November 28, 2022



The Alaska Judicial Council held a public hearing about applicants for two Anchorage Superior Court judge positions in the Boney Courthouse in Anchorage on Nov. 16, 2022. Few people participated. The council's executive director says the public packs the venues when similar hearings are held in small communities. (Matt Faubion/Alaska Public Media)

Most Alaskan voters, like Teresa Cortes of South Anchorage, weigh in on judicial retention votes.

"Oh yeah, I don't know any of the judges," she said. "So normally, I vote yes on all of them – unless there's one that stands out that I, you know, heard bad things from. Then I don't vote."

But election results over several decades show a growing minority of Alaskans vote like Richard "Ziggy" Zeigler of downtown Anchorage.

"Oh, I voted no for every one of them," he said. "Why? Because I like fresh blood and because I think we do need turnover when it comes to judges."

He said he thinks judges burn out and lose their compassion over time – though he didn't read up on any of the judges he voted to fire.

"Do you know how many judges were on the back of [that damn thing?](#)" he said of this year's ballot, which listed 20 judges for most Alaskans. "For me to try to do the research on each one would have been a pain in the ass."

[Unofficial results](#) from this year's election show all 29 of the Alaska judges up for retention secured another term, ranging from four to eight years. That's pretty normal. Only six judges [have ever lost a retention election](#) in the entire history of the state.

But judges in Alaska's population-heavy Third Judicial District, where Zeigler and most other Alaskans live, are being retained by the narrowest margins in the state, in a state with the lowest margins in the nation.

This year, state judges' median approval rating is going to hit a record low. Nineteen of them will be retained with [less than 60% percent of the vote](#). The trend suggests lots of qualified judges could be ousted in future elections, creating huge headaches in the justice system.

Political campaigns, pollsters and the media tend to focus on the races at the top of the ballot, so it's hard to nail down why more and more Alaskans are voting to fire judges.

"It's a very uniquely Alaskan thing," said statistician and researcher Albert Klumpp, who lives in Chicago but studies and tracks judicial retention elections nationwide. "And it seems to be more of an anti-system vote, than anything to do with the judges themselves."

Alaska is unlike other states

The judges this year, and in years past with few exceptions, got positive [professional evaluations and recommendations](#) from the Alaska Judicial Council. The nonpartisan council recommended retaining all of the judges on the ballot this year.

And none of the judges this year notified the Alaska Commission on Judicial Conduct that they were being actively opposed, according to its Executive Director Marla Greenstein. If they were, then they'd [be allowed to campaign](#) for their own retention.

Klumpp got interested in researching Alaska several years ago because there was concern in the legal community, especially in Anchorage.

"Rates had been dropping over time and were approaching a level where it might be possible that an entire slate of judges could be wiped off the ballot by just a blanket no vote from enough people," he said.

These judges make life-altering decisions on everything from crime and punishment to child custody, to mundane traffic violations and property disputes.

Klumpp's research, including [a 2017 article](#) in the Alaska Law Review, makes it easy to compare Alaska to other states. Alaska doesn't track with other politically conservative states, which tend to have the highest approval ratings for their judges. He said South Dakota, Utah, Wyoming and Montana have some of the highest judicial approval ratings in the nation.

"Those are not places that are, you know, teeming with social justice warriors – those are very staunchly conservative places," he said. "And yet they support their judges at very high rates. Even more than some more balanced or Democratic states."

One thing that does stick out to Klumpp in Alaska is the push to rewrite the

state constitution so Alaskans have a more direct role in picking judges. He thinks that campaign, partially embodied by [the constitutional convention question](#) this year, may have driven more people to vote against retaining judges than normal.

Political preferences and geography

Some justice system experts speculate that differences in Alaskans' political preferences over time and geography are behind the voting patterns.

The Third Judicial District, where judges are being retained by the narrowest margins, includes Anchorage, Mat-Su, the Kenai Peninsula, Kodiak, Bristol Bay and the Aleutians. Population-wise, it's bigger than the other three judicial districts combined, which is why it has so many more judges, and the ballots are so long.

Unlike legislative districts, judicial districts don't get redrawn to match population shifts. [Alaska's](#) appear to be a vestige of [federal census districts from well before statehood](#). In the last [100-plus years](#), officials haven't added any districts, or dramatically changed [the existing districts' lines](#).

Southcentral is more conservative than the rest of the state, and some [social conservatives malign](#) Alaska's judicial selection and retention system. They want the average voter and elected officials to have a more direct role in picking judges, while the authors of the state constitution wanted to shield judges from politics and focus on professional merit.

This year, Jim Minnery, the head of the Alaska Family Council, [urged Alaskans to vote against retaining](#) all of the judges. Minnery couldn't be reached for comment. But he's written that he thinks the judiciary doesn't reflect the state's conservative lean.

What if Minnery got his way and a whole slate of judges were fired at the same time?

"Well, I think it would wreak havoc in the system," said former Alaska Attorney General Michael Gergaghty.

Geraghty served during Republican Gov. Sean Parnell's administration, and he wrote [a column in the Anchorage Daily News](#) before the election about judicial retention. He called blindly voting no on all judges "extreme" and urged voters to at least make informed decisions.

Contrary to what some voters said, it's easy to read up on judges. The state Division of Elections distributes summaries of professional evaluations of judges in [voter information pamphlets](#). The evaluations are also [published online](#).

Susanne DiPietro is the executive director of the Alaska Judicial Council, which vets potential judges and sends a short list to the governor for appointments. DiPietro said the council's process is thorough and detailed, and not set up for handling many potential judges for dozens of openings at the same time.

"It would just be extremely difficult. I mean, really impossible for the council to replace large numbers of judges quickly," DiPietro said. "A scenario like that certainly was not contemplated by the founders."

A shortage of judges would undermine a criminal defendant's right to a speedy trial and the timeliness of any litigation.

"I hope it never comes to that," Geraghty said. "It would be a very serious disruption to our system if judges started getting voted out like that."

More people in smaller communities vote yes

DiPietro does have an apolitical theory about the geographic disparity in the voting patterns, that voters in the Third Judicial District are just a lot less likely to have a personal connection to the judges on their ballots.

"I have wondered if that could be a dynamic that happens in the smaller communities, where people are just closer to the courts and to the judges in the community, and they know the judges as people," she said.

That contrast was on display during [a public hearing](#) the judicial council held at a courthouse in downtown Anchorage recently about [applicants for two openings](#) on the Anchorage Superior Court.

The courtroom was nearly empty. Alaska Supreme Court Justice Daniel Winfree, who presides over the council, thanked the few people who participated.

"We appreciate it. It's always nice to hear people come in and chat – particularly in Anchorage, where it doesn't happen all the time," he said.

DiPietro said in smaller communities, the public packs the room for these types of hearings.

Judge Una Gandbhir, pointing to own experience, says opportunity is abundant within Alaska Court System

Gandbhir, encouraging participation and outreach, says people should feel like ACS is their court

[Beth Verge](#)

ANCHORAGE, Alaska (KTUU) - Within the Alaska Court System is a group of women who are carving their own paths in the legal world. Among them is Judge Una Gandbhir, who is now part of a bench that is becoming more and more reflective of Alaska's diversity.

There's much work to be done within the walls of a busy courthouse. Gandbhir's is laser-focused on cases, the people they involve, and the stories behind them.

"That's a lot of what being on the bench is, is listening," she said, "and listening, not just waiting your turn to talk, but actually listening to what people have to say."

Her entry into the court system, however, includes many firsts: a first-generation American raised in Boston, who was also first-born to her parents, Gandbhir is also the first Indian-American judge in all of Alaska.

"In a lot of ways, I feel like I'm the first to do things in my family, and maybe the first in certain ways, but there's always somebody who I can look to and say, 'This person made it possible for me to walk where I'm walking,'" Gandbhir said.

Her parents immigrated to the United States for schooling, she said, first living in Canada and then landing in Boston, where Gandbhir was raised. There was a big Indian community in the city, she explained, allowing for participation in many social events, holidays, and other gatherings that helped keep the culture prominent in her life. Her parents, though, made a point of highlighting both American and Indian heritage throughout her early years, and those of her younger siblings.

“Those kinds of things really helped us stay in touch with our culture and stay grounded,” she said. “But the thing that was really kind of unique about my parents is that they also understood that they had come somewhere where their kids were going to not be raised the way that they were. And they accepted that.”

Fast forward a couple of decades and through several jobs in administration, and Gandbhir was eyeing a next step in her career. She arrived in Alaska nearly 30 years ago without any plans to stay, landing here by way of a law school internship. The career path was a far cry from her childhood dream of being a veterinarian.

“Organic chemistry did me in,” she laughed.

Her continued love for reading and writing, though, have served her well, and she went on to attend law school. That was mainly because she thought it could help her make a difference in public policy, public health, and human rights, she said.

“When I moved to Alaska, it felt like my whole world opened up,” Gandbhir said, speaking not only of the ample outdoor space — which she gets out and hikes in as much as possible — but also about her career trajectory.

“I never really thought about becoming a judge, but I practiced in front of a lot of probate court, and when that person retired, I applied for the job and got it, and eventually decided to try and apply for superior court and finally ended up

here," Gandbhir said.

Appointed to the bench in 2018, she has overseen a variety of cases since then. Several have drawn national attention: in 2021, Gandbhir ordered the State of Alaska to allow in-person visits for lawyers and jailed clients, whether vaccinated or not, despite the Department of Corrections suspending all visitation options in 2020 as a COVID-19 prevention method; in early 2022, she had ruled [elections results couldn't be certified until visually impaired voters were given "a full and fair opportunity" to vote](#), though the decision was overturned by the Alaska Supreme Court shortly thereafter.

Challenging cases, however, are something for which Gandbhir said she feels she was prepared, particularly through her years focusing on elder and disability law while leading her own firm.

"It was a lot of helping people plan for kids who had special needs or for people who were facing a diagnosis of Alzheimer's, or another illness, to plan ahead so they had control over what their future ended up being," she explained. "I ended really ended up enjoying that. It was a really different area of law, wasn't really civil, wasn't really criminal; it was kind of its own little area.

"But that background that I have gives me some insight into their perspectives, and also helps me realize that not everybody has the same experience," she continued. "My experience and my story is very different from anyone else who comes into this courtroom. And it's nice to find those commonalities, and also listen for the things that I don't know."

Up for retention in the 2022 General Election, nearly 56% of those who cast votes on whether or not to retain her submitted ballots in favor of her continued service. To be in her position is a privilege, Gandbhir said, and one for which she is grateful.

"We have a really generally supportive and close-knit legal community," she added. "It's really not a place where you feel like you're on your own. And I

think that really makes a difference in how the legal profession works here.

"There are so many women in Alaska and on the bench," she continued, "there's women who have been examples, who have raised other women up, encouraged them, and that's made a huge difference."

While she's breaking barriers with her everyday work, however, she wants people to know that there's a place for them in the court system, too. Serving during a jury trial, for example, is a privilege and a service to fellow Alaskans; it's an opportunity, she said, to sit in the position of judge for the purposes of determining an outcome, even though she doesn't have 12 robes to give out. She tells the juries in her courtroom that the justice system is theirs, and to participate is to be a part of that.

"The doors are open to everybody," she said, "and it's really important that people feel like this is their court."

"We have a really good judiciary here, and everyone knows that their job is to listen," she continued. "If you want to be heard, you can be heard. And it may take time, like everything else — things take time — but, knowing that you're going to get a fair shake and you'll be heard and judges are making the best decisions they can with the information they have, that should reassure people."

You can learn more about the Alaska Court System [here](#), which is also where you can find information about court openings, closures, document requests, various law sectors, and more. If you are wanting to learn more about the Anchorage Youth Court, an after-school program for young Alaskans, [visit this website](#).

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Maassen to be next chief justice of Alaska Supreme Court

By [Michelle Theriault Boots](#) Updated: November 29, 2022 Published: November 29, 2022



Justice Peter Maassen in 2015. (ADN archives)

Peter Maassen has been selected as the Alaska Supreme Court's next chief justice.

Maassen, who has served on the court since 2012, will assume the role when current Chief Justice Daniel Winfree turns 70 and retires in February. The Alaska Constitution mandates that judges retire at 70.

Justice Maassen was selected to take the role by a majority vote from his fellow Supreme Court justices, the Alaska Court System said in a statement

Tuesday. Originally from Michigan, Maassen was an attorney in private practice in Anchorage from the early 1980s until he was appointed to the state's highest court in 2012.

Alaska's five-member Supreme Court is in the midst of a series of departures. In 2020, former Chief Justice Craig Stowers retired. [He died this year.](#) Former Chief Justice Joel Bolger [retired in 2021](#). And after Winfree's retirement next year, Maassen himself will reach the mandatory retirement age in January 2025.

Alaska Gov. Mike Dunleavy has so far appointed two Supreme Court justices, [Justice Jennifer Henderson](#) and [Justice Dario Borghesian](#).

The Alaska Judicial Council will [hold a public meeting Dec. 5](#) about candidates for a seat on the court that will open when Winfree retires.

Alaska Judicial Council nominates 4 for upcoming vacancy on state Supreme Court

POLITICS

James Brooks

Alaska Beacon

The nonpartisan Alaska Judicial Council has nominated four people for an upcoming vacancy on the Alaska Supreme Court. Gov. Mike Dunleavy now has 45 days to select Anchorage Superior Court Judge Dani Crosby, Department of Law attorney Kate Demarest, Fairbanks attorney Aimee Oravec or Sitka Superior Court Judge Jude Pate for the state's highest court.

If Dunleavy picks one of the female applicants, there would be three women on the five-person court, creating the first majority-female Supreme Court in state history. If he selects Pate, it would add the court's only member off the road system. All current justices are from Fairbanks or Anchorage.

The council voted unanimously in favor of all applicants except Pate and Demarest, who each were nominated by 5-1 votes. Council member Kirstie Babcock of Soldotna voted no on Demarest. Member Geraldine Simon voted no on Pate. No council member spoke about the reasons for their votes.

Six of the council's seven members participated in the votes; Chief Justice Daniel Winfree chairs the council and would vote to break a tie.

The council voted against the nominations of Kotzebue Superior Court Judge Paul Roetman, Anchorage attorney Holly Wells and Department of Law attorney Margaret Paton- Walsh.

The three, plus the four nominees, applied this summer to replace Daniel Winfree, who will retire early next year due to reaching the maximum allowed age.

Roetman, who has applied for the high court three times before, received the support of council member Babcock, but his nomination was opposed by all five other voting members.

"the most highly qualified candidates" to the governor.

According to the constitution, judges are to be selected by merit, not political leaning.

The constitution also requires the council to submit at least two nominees to the governor. The council picked four, but that number could dwindle before Dunleavy's final choice.

In November, Demarest was named one of six nominees for two Anchorage Superior Court seats, and Dunleavy has until the first week of January to make final selections. If he chooses Demarest for the Superior Court, she would no longer be in the running for the Supreme Court.

Crosby, one of the other nominees, was nominated for Supreme Court vacancies in 2020 and 2021, but Dunleavy chose other candidates in those years.

Crosby received the highest ratings of the seven applicants in an anonymous survey of state attorneys conducted this summer. Pate and Paton- Walsh tied for the second- highest scores.

When Dunleavy appoints the next Supreme Court justice in January, it will be his third pick for the state's high court.

Justice Peter Maassen is scheduled to retire no later than January 2025, allowing Dunleavy a fourth pick before his term expires in 2026.

Originally published by the Alaska Beacon, an independent, nonpartisan news organization that covers Alaska state government.

Last year, when the council declined to nominate Roetman, Dunleavy took the unusual step of asking the council to reconsider its list of nominees. It did not, and he appointed Jennifer Stuart Henderson.

Winfrey cited the Alaska Constitution before Tuesday's vote, saying that the council's duty is to nominate

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Judicial appointments announced

[Jonson Kuhn](#) Tuesday, December 6, 2022 2:29pm



Gavel (Courtesy Photo / Juneau Empire)

Three of the four presiding Superior Court judges have been reappointed, outgoing Alaska Supreme Court Chief Justice Daniel E. Winfree announced in a [news](#) release.

Superior Court Judge Amy Mead has been reappointed for the First Judicial District, Superior Court Judge Paul A. Roetman for the Second Judicial District and Superior Court Judge Terrence P. Haas for the Fourth Judicial District. In addition, Winfree has appointed Superior Court Judge Thomas A. Matthews to the Third Judicial District.

Annually, presiding judges are appointed for the duration of a year by the chief

justice for each of the four judicial districts and incumbents are eligible for reappointment. All presiding judges have the administrative responsibility to review the trial court's operations in the district in addition to regular judicial duties. Presiding judges also work with district court administrators to ensure various needs are met regarding hearing and trial schedules along with staffing.

Mead was appointed to the superior court in Juneau in 2018 and was appointed to the Alaska Commission on Judicial Conduct as an attorney member in 2012, serving in that role until 2018. Roetman moved to Alaska in 1972 and has lived in Kotzebue for 16 years and was appointed to the superior court in 2010. Matthews was appointed to the Anchorage Superior Court by Governor Bill Walker in 2018 and Haas was appointed to the superior court in Bethel in 2018.

Additionally, Judge Marjorie K. Allard was appointed chief judge of the Alaska Court of Appeals for a two-year term, Winfree announced.

Allard has served on the Court of Appeals since January 2013. This will be her third term as chief judge.

She received her B.A. from Yale University and her law degree from Yale Law School. Prior to joining the Court of Appeals, she served as an assistant public defender at the Alaska Public Defender Agency and as an assistant public advocate at the Office of Public Advocacy. She also taught legal research and writing at Stanford Law School and served as a clinical instructor at Santa Clara Law School.

The Court of Appeals is headquartered in Anchorage. The chief judge serves a two-year term.

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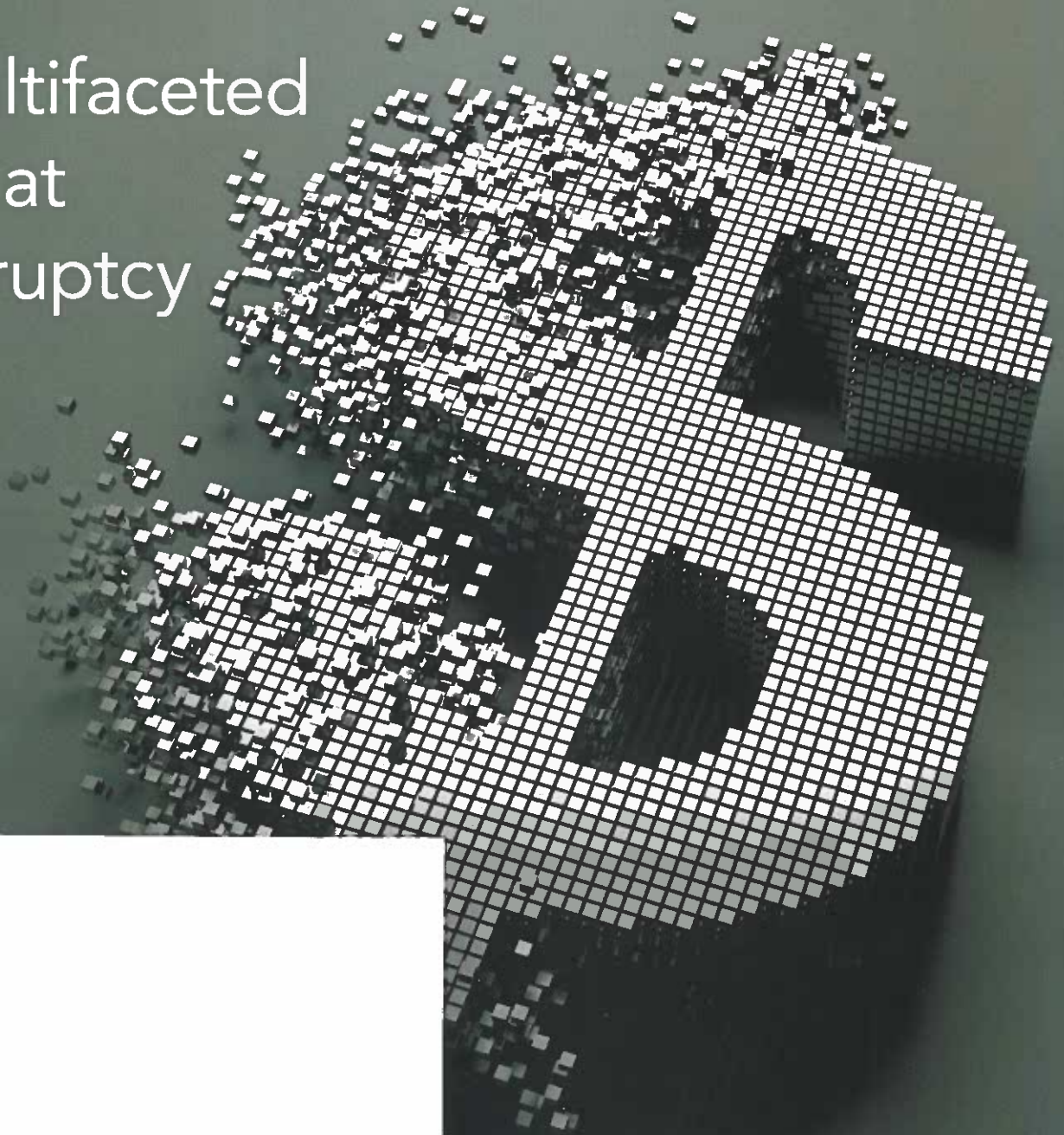
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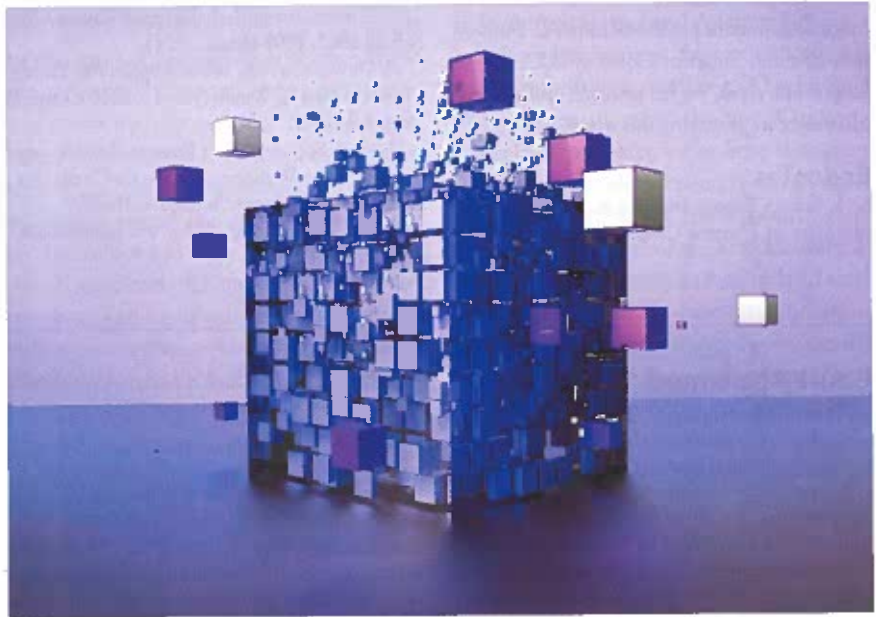
Ethics for Bankruptcy Judges

By Marla N. Greenstein

Like many other readers of this magazine, I find the intricacies of bankruptcy court procedures mystifying, though they are explained thoughtfully in the articles of this issue. There is no special Code of Judicial Conduct for judges who serve as bankruptcy judges. In many ways, the concerns are not unique or different. Off the bench, bankruptcy judges face the same needs to avoid appearances of impropriety, ensure they do not create conflicts by engaging in activities with those likely to come before the court, and avoid political activities. However, bankruptcy judges may more frequently face some unique ethical issues in their court proceedings.

Aspects of bankruptcy proceedings that could give rise to ethical concerns include necessary communications with the bankruptcy trustee, the frequency of criminal referrals, and the need to keep abreast of related court proceedings. At times, all of these factors have come into play simultaneously.

While occasionally other judges may interact with third-party neutrals, in bankruptcy proceedings, it is routine. Just what constitutes an improper ex parte communication between court officials working on the same matter is often not clear. There is a presumption that procedural communications are often needed, but any substantive communications between those with adjudicative roles should only be done in writing and with notice to the parties. So, when a bankruptcy judge was perceived to have suggested to a bankruptcy trustee that the trustee should make a criminal referral arising out of the bankruptcy matter, the parties viewed that as grounds for recusal (*In re Goodwin*, 194 B.R. 214 (B.A.P. 9th Cir. 1996)). In non-bankruptcy matters, we often advise judges that any referrals be made after the matter at hand is adjudicated. Given the nature of bankruptcy proceedings, it is not



surprising that this issue is anticipated in a statute. Section 3057, in title 18 U.S.C., mandates judges and trustees to report criminal violations to the U.S. attorney. Because these are mandatory referrals (unlike the discretionary referrals that are more typical in other courts), the referral would not indicate bias requiring recusal.

So too, while all courts find it efficient to be aware of related court proceedings, bankruptcy courts know it is essential. Any judge can make use of public court databases to identify proceedings involving the parties before the judge. Typically, this is attributed to "judicial notice" under the evidence rules. However, at times, judges may want to go beyond the mere acknowledgment of a case's existence and seek to know more. ABA Formal Opinion 478 gives some guidance. The danger here is of recognizing "facts" without the benefit of presentation of those facts in an adversarial hearing. When in doubt, the solution is to give notice of the facts sought to be used and allow the parties to be heard.

In short, the types of ethical issues for a bankruptcy judge can be different from

those other judges face. While the same provisions apply, the use of a trustee, the statute requiring criminal referrals, and the need to be aware of the nature of other court proceedings all require special ethical awareness. Sensitivity to the appearance of improper ex parte communications in these often complex matters will encourage ongoing public confidence in the bankruptcy process. ■



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